

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MATTHEW BOBENRIETH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-332 Erie
	)	
WAL-MART STORES, INC.,	)	
	)	
Defendant.	)	

**ORDER**

On December 9, 2005, this Court entered an Order following the Plaintiff's failure to file a Response to Defendant's Motion to Dismiss [Doc. No. 3], ordering Plaintiff to show cause as to why this case should not be dismissed for failure to prosecute [Doc. No. 5].

AND NOW, this 27<sup>th</sup> day of December, 2005, Plaintiff having failed to show cause and/or file a response to Defendant's motion to dismiss,

IT IS HEREBY ORDERED this matter is DISMISSED without prejudice for failure to prosecute.

The clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cc: All parties of record.